

REMARKS

This Amendment is in response to the Office Action of September 21, 2007 in which the Examiner rejected claims 1, 2 and 6-12 as allegedly anticipated by Day publication 126. Claims 3-5 are rejected over Day in view of Helger patent 374 and Stanchfield patent 920.

The amendment filed December 10, 2007 was not entered. The amendment presented herein is for the purpose of amending the independent claims to clarify the language thereof. In particular, claims 1 and 12 have been amended to recite that the bottom of the tube has a formation which snap fits with the bottom surface of the plate through the bore. The references do not show a device with a connector or lower portion which snap fits into engagement with the lower surface of a tray with through bores. The reference cited by the examiner shows a tube with a cap at the bottom. The tube disclosed cannot engage the bottom surface of a storage tray. The reference merely shows a tube with a cap that fits on the bottom of a tube. The tube itself does not in any way engage the bottom surface of the plate.

New claim 13 is a claim of yet a different scope which defines the relative sizes of the various portions of the tube and how they engage different parts of the storage plate into which they are adapted to be stored.

During a discussion with the Examiner and his supervisor conducted January 31, 2008, which is gratefully acknowledged, the supervising Examiner equated the bottom end cap 13 in the Day reference as providing a "snap-fit connector portion" because it is suggested as being a snap-fit on to the reduced diameter end region 12 of the tube 10. However, as noted above, this is not the purpose or the function of the claimed snap-fit connector portion which makes a snap-fit engagement with the bottom surface of the well through the bore. This is described in the specification in the paragraph starting at line 27 on page 3 and more specifically in the sentence spanning pages 3 and 4. The indentation 22 in Day does not suggest that the indentation 22 on the rim of the cap (see Figure 4) fulfills the same function. Indeed, in Day, the snap on cap on the bottom

of the tube does not engage the multi-well plate in any way except that it is positioned in the bore, but it does not touch the tray, nor does it cooperate (connect) with the tray. It is believed that the rewritten claim language which recites “a formation providing a portion at the other end of the tube for snap-fit engagement through the bore with the bottom surface of the multi-well plate”, in the last clause better clarifies the meaning and structure claimed. Likewise claim 12 recites “a flared connector portion at the closed end of the tube for snap-fit engagement through the bore with the bottom surface of the multi-well plate” has a similar effect of clarifying the claim language.

New claim 13 recites a structure where the relative sizes of the elements are recited, and where the lower part of the tube has a smaller diameter than the upper part and the formation on the lower part is larger than the lower body part, which formation engages the bottom wall of the plate through the bore. There is no such structure recited in the reference.

Applicants believe that the language presented more clearly differentiates the invention from the cited art. In particular the applicants assert that the difference between the invention and the cited art is that the connector portion at the bottom of the tube is for snap fit into engagement with the bottom surface of a multi-well plate as it passes through the bore. The claimed structure is not a cap covering the small end of the tube. Indeed, the connector at the end of the tube is larger than the lower body portion of the tube. Day is different because the lower part of the tube is larger than the part that has the snap on cap.

In view of the foregoing, it is respectfully requested that the Examiner reconsider his rejection of the claims, the allowance of which is earnestly solicited.

If additional fees are required, the Director is authorized to charge Deposit Account 504147 or credit any overpayment thereto.

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